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THE OBSERVATOR.

An Account of ſome illegal Practices at Elections of Parliament-men in Scotland; *with Reflexions. The Right of Electors to inſtruct the Elected, farther prov'd againſt the* Rehearſer.

From Saturday, July 17. to Wednesday, July 21. 1708.

Country-m. HEre's a Paper ſent you from *Scotland*, Maſter, with an Account of ſome ſtrange Practices about the Election of a Parliament-Man for the Shire of *Dumfries*.

Obſ. Read it, *Roger*.

Country-m. 'Tis thus, Maſter: The 24th Day of *June* laſt being the Day of Election, the Barons of the Shire, *i. e.* Free-holders, met at the Town of *Dumfries*. The Candidates were the Lord *Johnſtown*, eldeſt Son to the Marquiſs of *Anandale*, and Mr. *Greerſon* of *Lagg*. The former was choſen by a Plurality of Votes, notwithſtanding the following Practices to hinder it. 1. There were 14 new Free-holders made ſince the iſſuing of the Writs to call the Parliament, by ſplitting ſeveral Free-holds. 2. Bayliffs (or Meſſengers as they call them) were order'd to attend, to take up ſeveral of the Free-holders, who were for the Lord *Johnſtown*, by Captions for Debt, and one of them was actually introduc'd into the Meeting, by the new-created Free-holders, contrary to the eſtabliſh'd Law. 3. Several of the Free-holders were threaten'd, that if they did not vote for Mr. *Greerſon*, they ſhould be taken up for High Treaſon, and ſent Priſoners to *London*; particularly a certain Gentleman, who had an Influence upon ſome of the Free-holders, was told, that if he did not uſe his Intereſt to make them vote for Mr. *Greerſon*, there were ſeal'd blank Warrants come down for apprehending diſaffected Perſons; and that his Name ſhould be fill'd up in one of thoſe Warrants: And they actually did take up Mr. *Riddel* of *Glenriddel*, one of the Lord *Johnſtown*'s Electors, who had been zealous for his Lordſhip, and ſend him to *Edinburgh*, where he was kept in Confinement for a Month, and diſcharg'd afterwards, without being ask'd one ſingle Queſtion. 4. Beſides thoſe Threats abovemention'd, there was alſo Bribery made Uſe of. 5. Several Perſons were brought to vote, who had no Right to it, againſt whom the following Objections were made, 1. Againſt the 14 new Free-holders, that their Rights were dated ſince the *Teſte* of the Writs, as above-mention'd. 2. That thoſe pretended Free-holds were redeemable, upon the Payment of a Roſe-Noble, which was a clear Proof, that thoſe Free-holds were only convey'd to them in Truſt; ſo that they were no real Free-holders, nor in Poſſeſſion of the Lands, as 'tis requir'd by Law they ſhould. 3. It was objected againſt the Sherriff's Deputy, or Under-Sherriff, that he was diſabl'd by Law from voting. 4. It was objected againſt Mr. *Greerſon*'s Brother, that he could not vote, becauſe he was an Officer in the Cuſtoms. 5. The Vote of one Mr. *Lauder* was objected againſt, becauſe he could not ſhew where the Free-holds were, for which he deſir'd his Vote.

Obſ. That's a very ſtrange Account indeed, *Roger*, and no Doubt will be duly enquir'd into, and conſider'd, when laid before the Parliament. If the Perſons concern'd, don't complain of thoſe Proceedings, they will not only be wanting to themſelves, but in ſo far guilty of betraying one of our chief fundamental Liberties. It is incumbent upon our Members of *South Britain*, *Roger*, to do all that's poſſible to have ſuch *Scotch* Miſts clear'd up, leaſt in Time they come to wet *Engliſh*-men to the Skin; for if ſuch corrupt Proceedings paſs unpuniſh'd there, they will quickly reach farther *South*, and their Influence will extend it ſelf not only as far as *Dover*, but to the Land's End of *Cornwall*. I am ſatisfy'd, *Roger*, all honeſt *Scotch*-men, who came in to the Union upon a good Deſign, will heartily join with us in ſuch an Enquiry. The main Reaſon why they agreed to the Treaty, was, that they might be upon an equal Foot of Liberty and Property with us in all Reſpects, of which they complain'd loudly they had been depriv'd, by the Influence of our Miniſtry, and their own baſe Courtiers, for moſt Part ſince 1602, that the Crowns were united. But if they find themſelves diſappointed, and inſtead of being Sharers of our Liberty, have Members of Parliament impos'd upon them by ſuch indirect Methods, they and we both may be Sufferers, inſtead of being Gainers by the Union, and have our Liberties ſwallow'd up. But pray, *Roger*, who were the Perſons that put thoſe Practices in Uſe at that Election?

Country-m. You know, Maſter, we are to avoid Names; but according to my Information, they were ſome of the late *Scotch* Courtiers, and ſuch as depend upon them: But I doubt not to hear of their Names, and their Characters too, when the Matter comes to be canvaſs'd in Parliament.

Obſ. I hope ſo, *Roger*; for at this Rate, no Man can be ſafe. Certainly thoſe Gentlemen cannot think, that her Majeſty and the laſt Parliament ever intended, that ſuch an Uſe ſhould be made of the Power given by the late Act for taking up ſuſpected Perſons, as to make it a Handle for overturning the Freedom of Elections, by taking up Electors, that would not vote according to the Directions of late or preſent Courtiers, *Engliſh* or *Scotch*. If there be any Sherriffs in that Country, who underſtand their Duty no better, than to countenance or connive at ſuch Practices, we hope the Parliament of *Great Britain* will find a Way to teach them, *Roger*.

Country-m. 'Tis a very great Hardſhip upon us, Maſter, that while we ſpend ſo much Blood and Treaſure, to pull down Tyranny Abroad, we ſhould be forc'd to ſtruggle againſt ſuch petty Tyrants at Home, who have been ſo much inur'd to arbitrary Practices, that they can't forbear them. In the mean Time I will ſpeak to my Repreſentatives, Maſter, to take Care, if they ſuſpend the *Habeas Corpus* Act in Time to come, that ill-deſigning Men may not have ſuch an Opportunity to ſubvert our Conſtitution by their blank Warrants, and take up Loyal Subjects out of Pique, or to prevent the Freedom of Elections.

Obſ. I hope, *Roger*, thoſe Things will be duly enquir'd into, and cenſur'd, when the Parliament meets; for I perceive ſome Men, eſpecially in *North Britain*, are ſo accuſtom'd to act contrary to Law, that neither new nor old Conſtitutions can keep them within Bounds.

Country-m. It ſeems to be highly neceſſary, Maſter, that ſuitable Remedies ſhould be provided in Time againſt that growing Miſchief, for I find a Story on Yeſterday's *Flying-Poſt*, of a more barefac'd Invaſion upon the Freedom of Elections in the Shire of *Roſs*, in the *North* of *Scotland*; which is thus: The Honourable the Maſter of *Roſs*, and *Hugh Roſs*, the Younger, of *Kilravock*, being Candidates for

for that County; those who oppos'd the Master of *Ross*, did by a Vote seclude the eldest Sons of Peers either from electing, or being elected, brought such to vote as Free-holders, who had no Right to vote according to Law, and not only made Use of Threats, but lodg'd arm'd Men in and about the Town, to over-awe the Electors: Upon which, 22 of the Free-holders, who were for the Master of *Ross*, protested against those Proceedings, elected him, sign'd a Commission for him accordingly, and desir'd the Sherriff and his Clerk to sign it, and return the Master of *Ross*; but they refus'd it, and the Sherriff return'd his own Son; upon which, those who were for the Master of *Ross*, protested.

Obs. That's very fine indeed, *Roger*, for Electors to take upon them to determine a Thing which seems only determinable by Parliament, for there I remember Controversies about Elections us'd to be determin'd in *Scotland*, as will appear by their Minutes; and there being now no Parliament there, the Right of the Parliament of *Scotland*, must devolve upon that of *Great Britain*, and not upon any Party of Electors. Besides, for what I can perceive by the Story, *Roger*, the Persons who took Arms in that unwarrantable Manner, have a near Relation to those formerly concern'd in rabling the Ministers of the establish'd Church there; and the Justices of Peace, who came to protect them according to the Duty of their Office. Were such blank Warrants as we have been formerly speaking off, allowable in any Case, *Roger*, they would be certainly allowable in this; for by the Representation we have formerly had of the Practices of some of those People, they seem never to have given any great Proofs of their Affection to the Revolution, and by Consequence to her Majesty's Title. But be that how it will, *Roger*, to make use of Threats, Arms, Bribes, or any other indirect Practices, to influence Elections, is prohibited by so many Laws which are made to secure that fundamental Part of the Peoples Liberty, that 'tis an Iniquity to be punish'd by the Judge, be they Whigs or Tories, who are guilty of it. I am truly sorry to find, *Roger*, that so many Controversies have happen'd in the Elections both of the *Scotch* Peers and Commoners, and heartily wish, the Parliament of *Great Britain* may be directed to a just and satisfactory Determination of them, for preventing such Things in Time to come; for we have too many unhappy Controversies, and Party Quarrels of our own in *South Britain*, to have them increas'd by new ones from the *North*; therefore I think it highly reasonable, that the Representatives of *Scotland* should be fully instructed by their Electors, to represent all such Grievances, and to propose Methods for preventing them.

Country-m. But you have forgot, Master, that the *Rehearser* says, the Electors have no Right to give Instructions to their Members.

Obs. I suppose by this Time, *Roger*, the Publick is pretty well satisfy'd, that the *Rehearser* has not done much Service to his Party, by his Management of the Controversy about Parliaments. But for a direct Answer, he may be pleas'd to know, that formerly all the Free-holders of both Nations, came to Parliament in Person; but growing too numerous in Time, it was found better, that they should send so many Deputies or Commissioners to represent them; from whence it naturally follows, that whatever they had a Right to do or say in Parliament themselves, they had a Right to give Instructions to their Representatives to say and do for them: And hence it came to pass, as we have formerly quoted from my Lord *Coke*, that when new Things of Consequence were propos'd by the Court, the Commons might answer, *That in this new Device they dare not agree, without Conference with their Countries:* And whether my Lord *Coke*, or Mr. *Rehearser*, be the best Judge in this Matter, let the Publick determine, *Roger*.

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